

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6505

BILL NUMBER: HB 1044

NOTE PREPARED: Dec 5, 2002

BILL AMENDED:

SUBJECT: Immunity for Court Clerks for Protective Orders.

FIRST AUTHOR: Rep. Foley

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: No Fiscal Impact

Summary of Legislation: This bill provides immunity from civil damages for circuit court clerks and their designees when providing clerical assistance to persons requesting orders for protection.

Effective Date: July 1, 2003.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: Under current law, the clerk of the circuit court or an employee of the clerk of the circuit court is required to provide both the forms and clerical assistance in completing the forms and in filing a petition for a protective order.

This bill provides that the clerk of the circuit court or an employee who assists a person in completing these forms is not liable for civil damages unless the person commits an act or omission that amounts to gross negligence or willful and wanton misconduct. The bill does not address whether the clerk's office is liable for civil damages.

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: Clerks of the circuit court.

Information Sources:

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